IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1934 OF 2005

Sanjay Babulal Raisoni ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr.S.P. Kadam, for the Applicant.

Mr.V.B. Konde Deshmukh, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

29th March 2005

P.C.:

. Heard Counsel for the parties. Perused the record. The Applicant has been named as an accused in Crime No.32/2005 registered with Indapur Police Station. The prosecution case is that certificate obtained from the Tahsildar at the instance of the Applicant, which was submitted for securing registration of a society,

was found to be fabricated by incorporating word "Station" suffixed to word "Bhigwan". It is not in dispute that the Applicant had obtained the said certificate, but that certificate was submitted by the Chief Promoter of the proposed society and not the Applicant to support the claim for registration of the proposed society. There is nothing on record for the time being to suggest that the Applicant had forged the document after securing the same from the Tahsildar. The learned A.P.P. submits that since the document was obtained by the Applicant from the Tahsildar, the Applicant will be responsible for the fabrication of the said certificate. However, the charge gainst the Applicant can be established only if it is found that the Applicant, before handing over the certificate to the Chief Promoter of the proposed society, had himself carried out those changes. That is a matter, which is yet to be investigated. In case adequate material is collected to establish that fact, only then the question of proceeding against the Applicant in respect of the alleged offence will arise.

. In the circumstances, this application is disposed of with direction to the investigating officer to give 72 hours' advance notice to the Applicant before he decides to arrest the Applicant in connection with the alleged offence only after collecting further material to establish the involvement of the Applicant in the forgery of the document in question. The Applicant shall, however, co-operate for the purpose of investigation in all respects and report to the investigating officer as and when called upon.

. Application disposed of on the above terms.

(A.M.KHANWILKAR,J.)